

# **EXHIBIT 39**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

CIVIL NO. 18-1776 (JRT/HB)  
0:21-MD-02998-JRT-HB  
MDL NO. 2998

IN RE: PORK ANTITRUST LITIGATION

This Document Relates to: All Actions

HIGHLY CONFIDENTIAL

REMOTE VIDEO DEPOSITION OF DAVID DELANEY  
April 20, 2022

REPORTED BY:

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Reporter and Notary Public

1 at World Pork Expo in a stack; it's public  
2 information that's free. And so over the  
3 years, I've likely collected those and  
4 followed along to see what everybody's  
5 premium and discount schedule was.

6 Q. And why, again, do you want to  
7 know what each packer's weight matrix is?

8 A. Because I want to -- Again,  
9 today, in my job, I want to do the best I  
10 can to get the most return and net revenue  
11 for my producer, and that is, right, a part  
12 of the complex thought process that I go  
13 through to be able to help my customers.

14 Q. Earlier today, in answer to one  
15 of the questions, I think you said you were  
16 trying to generate competition among  
17 packers. Explain to the jury what you  
18 meant by that.

19 A. Yeah. So generate competition.  
20 My day -- You know, it's my job to get the  
21 most I can for my customers' pigs every  
22 day.

23 So if I'm trying to sell a load  
24 of pigs, for example, today, for tomorrow  
25 or next week, right, packers may bid me a

1 price, and I'll say, well, you're not even  
2 close. Right? Do you want to get serious,  
3 you want to get in the game, you know,  
4 there's more money out there. Right? And  
5 that's what I do to try to create  
6 competitive nature.

7 Q. Would you say you play one packer  
8 off another to get a higher price?

9 A. Oh, certainly.

10 MR. RISSMAN: Object to form.

11 A. Yes, certainly.

12 Q. And do you see packers competing  
13 in the market each day to buy hogs?

14 MR. RISSMAN: Object to form.

15 A. Yes, I do.

16 (Off-the-Record  
17 discussion held.)

18 Q. Have you ever had the sense the  
19 packers were not competing in the market to  
20 buy hogs?

21 MR. RISSMAN: Object to form.

22 A. No.

23 Q. Now, why would you send an email  
24 to one packer saying that a different  
25 packer had bid a certain price in the cash

1 market that day?

2 MR. RISSMAN: Object to form.

3 Form and foundation.

4 A. It could be a couple of different  
5 situations where maybe they gave me a bid  
6 earlier that day or the previous day, and I  
7 told them I would not sell them the hogs  
8 because they weren't high enough. And they  
9 would say, well, I've got to be the highest  
10 price out there. So I would follow up  
11 with, no, you're not; so-and-so has bid me  
12 X.

13 Q. Okay. Let's walk through some of  
14 the exhibits that were shown to you earlier  
15 today. And I know you've got the hard  
16 copies in front of you.

17 A. Sure.

18 Q. Let's start with Exhibit 626.  
19 And this was an email chain that they asked  
20 you about between you and Dan Marti --

21 A. Yep.

22 Q. -- in 2017; do you remember this?

23 A. I do.

24 Q. And there was a lot of discussion  
25 about estimates of Saturday slaughter,